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10/067,667	02/04/2002	Thomas H. Taylor	14531.140	7106

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EXAMINER

ANYASO, UCHENDU O

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 08/03/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/067,667

Applicant(s)

TAYLOR, THOMAS H.

Examiner

Uchendu O Anyaso

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. **Claims 1-39** are pending in this action.

***Claim Rejections - 35 USC ' 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-7, 10-29 and 32-39** are rejected under 35 U.S.C. 102(b) as being anticipated by *Frank et al* (U.S. Patent 5,651,107).

Regarding **independent claims 1, 12 and 17**, and for **claims 21 and 22**, Frank teaches a system that is capable of displaying a video stream that is received from a video source, and simultaneously displaying a user interface with a video stream in a single display window by teaching how to simultaneously display overlapping display objects on the display, each of the display objects having a degree of transparency determined by the transparency values associated with each of the display objects, such that the overlapping display objects are simultaneously visible on the display, and such that at least one of the display objects has two or more degrees of transparency (column 10, lines 55-62).

Furthermore, Frank teaches how to generate screen data by mixing a user interface and a video stream by utilizing a blending means (column 2, lines 38-55) wherein the user interfaces are represented by the multiple windows and the video stream are represented by the multiple images that are blended together (column 2, lines 38-55).

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Furthermore, Frank teaches how to display screen data in the display window wherein a view of the video in the display window is dependent on a level of transparency of the menu bar 30 (*see* figure 8,10).

Also, Frank teaches a means of receiving an input from a user via a cursor control device 28 (*see* column 4, lines 57-67).

Furthermore, Frank teaches a technique for defining a transparency property indicating the degree of transparency of an image in a particular layer and a method of adjusting the level of transparency of a display device according to the input received from the user by teaching a method of selectively adjusting the one or more transparency values further includes displaying an image of a slider, said slider being adjustable by the user through the use of the cursor control device to selectively adjust said one or more transparency values (*see* column 11, lines 8-13).

Regarding **independent claims 23 and 34**, and for **claim 35**, Frank teaches a system that is capable of displaying a video stream that is received from a video source, and a computer program (figure 2 at 50, 54, 56) that implements simultaneously displaying a user interface with a video stream in a single display window by teaching how to simultaneously display overlapping display objects on the display, each of the display objects having a degree of transparency determined by the transparency values associated with each of the display objects, such that the overlapping display objects are simultaneously visible on the display, and such that at least one of the display objects has two or more degrees of transparency (column 10, lines 55-62).

Furthermore, Frank teaches a computer readable medium having executable instructions for the above method (see figures 1, 2 at 10, 14, 16, 50, 56).

Furthermore, Frank teaches how to generate screen data by mixing a user interface and a video stream by utilizing a blending means (column 2, lines 38-55) wherein the user interfaces are represented by the multiple windows and the video stream are represented by the multiple images that are blended together (column 2, lines 38-55).

Furthermore, Frank teaches how to display screen data in the display window wherein a view of the video in the display window is dependent on a level of transparency of the menu bar 30 (see figure 8,10).

Also, Frank teaches a means of receiving an input from a user via a cursor control device 28 (see column 4, lines 57-67).

Furthermore, Frank teaches a technique for defining a transparency property indicating the degree of transparency of an image in a particular layer and a method of adjusting the level of transparency of a display device according to the input received from the user by teaching a method of selectively adjusting the one or more transparency values further includes displaying an image of a slider, said slider being adjustable by the user through the use of the cursor control device to selectively adjust said one or more transparency values (see column 11, lines 8-13).

Regarding **independent claim 39**, Frank teaches a system that is capable of simultaneously displaying a first application 255 and a second application 260 in a single display window (figure 10 at 255, 260) user interface with a video stream in a single display window by teaching how to simultaneously display overlapping display objects on the display,

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each of the display objects having a degree of transparency determined by the transparency values associated with each of the display objects, such that the overlapping display objects are simultaneously visible on the display, and such that at least one of the display objects has two or more degrees of transparency (column 10, lines 55-62).

Furthermore, Frank teaches how to generate screen data by mixing a user interface and a video stream by utilizing a blending means (column 2, lines 38-55) wherein the user interfaces are represented by the multiple windows and the video stream are represented by the multiple images that are blended together (column 2, lines 38-55).

Furthermore, Frank teaches how to display screen data in the display window wherein a view of the video in the display window is dependent on a level of transparency of the menu bar 30 (*see* figure 8,10).

Also, Frank teaches a means of receiving an input from a user via a cursor control device 28 (*see* column 4, lines 57-67).

Furthermore, Frank teaches a technique for defining a transparency property indicating the degree of transparency of an image in a particular layer and a method of adjusting the level of transparency of a display device according to the input received from the user by teaching a method of selectively adjusting the one or more transparency values further includes displaying an image of a slider, said slider being adjustable by the user through the use of the cursor control device to selectively adjust said one or more transparency values (*see* column 11, lines 8-13).

Regarding **claims 2, 20 and 24**, in further discussion of claims 1, 19 and 23, Frank teaches how to generate screen data by mixing a user interface and a video stream by utilizing a blending means (column 2, lines 38-55).

Regarding **claims 3 and 25**, in further discussion of claims 1 and 23, Frank teaches a means of receiving an input from a user via a cursor control device 28 (see column 4, lines 57-67).

Regarding **claims 4, 5, 14, 16, 26, 27, 36 and 38**, in further discussion of claims 3, 12, 13, 25, 34 and 35, Frank teaches selectively adjusting, by user interface means, the one or more transparency values associated with at least one of the overlapping display objects, such that the transparency of the at least one display object is continuously variable from fully opaque to fully transparent (column 10, lines 63-67).

Regarding **claims 6, 13 and 28**, in further discussion of claims 1, 12 and 23, Frank teaches how the user interface windows 255, 260 comprise one or more items that each have a level of transparency wherein a user would adjust a level of transparency for a selected item without adjusting levels of transparency for non-selected items (see column 9, lines 25-58, figure 8 at 255, 260).

Regarding **claims 7, 19 and 29**, in further discussion of claims 1, 17, 23, Frank teaches how to adjust the level of transparency that comprises displaying a transparency control i.e.

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slide bar 264, on the display device wherein the slide bar 264 is used to select a level of transparency that applied to the user interface 260 (see column 9, lines 25-41).

Regarding **claims 10, 11, 15, 32, 33 and 37**, in further discussion of claim 1, 13, 23, 35, Frank teaches how to generate screen data by mixing a user interface and a video stream by utilizing a blending means (column 2, lines 38-55) wherein the user interfaces are represented by the multiple windows and the video stream are represented by the multiple images that are blended together (column 2, lines 38-55).

***Claim Rejections - 35 USC ' 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 8, 9, 30 and 31** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Frank et al* (U.S. Patent 5,651,107) in view of *Yoneda* (U.S. 6,587,118).

Regarding **claim 8, 9, 30 and 31**, in further discussion of claim 1 and 23, Frank does not teach how the screen data comprises retrieving content from a network wherein the content is included in the user interface. On the other hand, Yoneda teaches this concept by teaching an image displaying processing method, a medium including an image displaying processing program stored thereon, and an image displaying processing apparatus are disclosed which allow a menu bar or the like to be displayed in a semi-transparent fashion such that an image



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and/or a character in an underlying layer can be seen through the menu wherein an HTML file acquired from the WWW server 1 is displayed on the display screen 29 such that a text (ABCDEFGH . . . XYZ) of a home page and a menu bar 30 are superimposed (*see* Abstract; *see also* column 4, lines 19-36, figures 3A, 3B, 3C).

Therefore, it would have been obvious to a person of ordinary skill in the art to combine Frank and Yoneda because while Frank teaches a method of adjusting the level of transparency of a display device according to the input received from the user by teaching a method of selectively adjusting the one or more transparency values further includes displaying an image of a slider, said slider being adjustable by the user through the use of the cursor control device to selectively adjust said one or more transparency values (*see* column 11, lines 8-13), Yoneda teaches how screen data on the display would comprise retrieving content from a network wherein the content is included in the user interface (*see* Abstract; *see also* column 4, lines 19-36, figures 3A, 3B, 3C). The motivation for combining these inventions would have been to design an interface that allows a user to click a particular part of the visual information in a second layer while viewing the visual information in the first layer under the second layer (*see* Abstract; *see also* column 8, lines 24-45).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,283,560 to *Bartlett* for a computer system and method for displaying images with superimposed partially transparent menus.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uchendu O. Anyaso whose telephone number is (703) 306-5934. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Saras, can be reached at (703) 305-9720.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Uchendu O. Anyaso

07/21/2004

  
CHANH NGUYEN  
PRIMARY EXAMINER